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Wife Sues To Stop Eminem From Rapping About Her

Kimberly Mathers, subject of violent song 'Kim,' also seeking $10 million.

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August 22, 2000 / 11:13 PM

Eminem's estranged wife, the subject of the rapper's explicitly violent song "Kim," has gone to court to try to stop him from rapping about her anymore.

In her counterclaim to a divorce action filed by Eminem last week, Kimberly Mathers is seeking $10 million in compensation for "the intentional infliction of emotional distress" as well as punitive damages. The legal action also bids to "deter the husband from any such future activity," meaning he can't write any more songs about her.

She also wants to prevent her husband (born Marshall Mathers) from having even partial custody of their 4-year-old daughter.

Her lawyer, Neil Rockind, had no comment on the suit, and two of Eminem's lawyers, Peter Peacock and Harvey Hauer, did not return calls Tuesday (Aug. 22).

Eminem's manager, Paul Rosenberg, told the *Detroit Free Press* that the charges are meritless and "songs like that are protected by artistic expression."

"[This lawsuit] changes the tenor. Em's not going to be happy with that," Rosenberg told the paper. "Everybody on our side wanted to keep things low-key and work things out amicably."

The song in question, "Kim" (RealAudio excerpt), off the eight-times platinum *The Marshall Mathers LP,* features a woman occasionally screaming and whimpering while Eminem angrily yells at her, accusing her of cheating and then plotting to kill her:

"Sit down bitch! ... If you move again, I'll beat the shit out of you! ... Don't make me wake this baby. ... She don't need to see what I'm about to do. ... Now shut the fuck up and get what's coming to you. ... You were supposed to love me (sounds of Kim choking) now bleed! Bitch bleed! Bleed! Bitch bleed! Bleed!"

In Kimberly Mathers' divorce counterclaim, Rockind also pointed to Eminem's behavior during concerts, where he "has included violent and vile acts directed toward an effigy of the wife, in the presence of several thousand concert attendees."

Eminem said last month that he first played "Kim" for his wife while the couple sat in their driveway.

"And she listened to it and she looked at me and she was like, 'You are really fucking crazy.' ... And she doesn't want to listen to the song anymore," he said. "And to tell you the truth, I don't really listen to the song anymore. That song is like an outtake from one of our arguments in everyday life. That's really how we fight sometimes. ... I basically took the anger that was built up from what she had done to me and what we was going through, and I made it into a song."

Los Angeles lawyer Don Engle, who has represented artists ranging from **Cher** to **Bush**, said Kimberly Mathers has a tough case to prove. In divorce suits, her strategy is without precedent, he said.

"It's hard to sue for emotional distress," said Engle, who has not seen the counterclaim. "You have to meet a standard that is so far beyond the pale. ... I personally doubt anything you say in a rap lyric would meet that standard. Plus you have to get around the constitutional right of free speech."

The counterclaim said the Matherses have been separated since Eminem's arrest June 4 outside a Warren, Mich., nightclub, where police say he used an unloaded pistol to beat a man his wife kissed in the parking lot.

Since then, the claim alleges Eminem has "threatened to ... evict her from the marital home and leave her penniless."

Eminem also is being sued by his mother, Deborah Mathers-Briggs, who is seeking a total of $11 million in two defamation lawsuits.

He is scheduled to appear in 37th District Court on Aug. 31 for a preliminary hearing on felony assault and weapons charges from the incident in Warren.